

**CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES**

**December 13, 2007**

Chairman T. Michalski called the meeting to order at 4:05 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, B. Turnquist, L. Spataro, B. Mazade, T. Michalski,  
T. Harryman, S. Warmington

MEMBERS ABSENT: B. Smith, excused; J. Aslakson, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: G. Breen, 800 E. Ellis #508; G. Post, 4460 Deer Creek; M. Estlick,  
1308 W. Sherman; C. Sieradski, 2976 Sherwood Ct; R. DeBoer, 2421  
E. Riverwood, Twin Lake

**APPROVAL OF MINUTES**

A motion that the minutes of the regular meeting of November 15, 2007 be approved, was made by B. Mazade, supported by B. Larson and unanimously approved.

**NEW BUSINESS/PUBLIC HEARINGS**

Hearing; Case 2007-47: Request to amend the Final PUD for Phase II of the Watermark Development, 920 Washington Avenue and 1321 Division Street, for additional parking for an assembly/rental hall, by Gary Breen, Concept Design Studio. L. Anguilm presented the staff report. The parcels are zoned I-1, Light Industrial District, with a PUD Overlay. The PUD for Phase II of the Watermark was given final approval by the City Commission in May 2004. The requested use for this phase of the development was left at “commercial” and it was planned that there would be three commercial store fronts located inside that portion of the building. The plan included 29 parking spaces, which would have been adequate. Since the new use requires more intense parking, it was necessary for the site to include an additional parking lot across Division Street from the building housing Phase II. The new proposed parking lot has 124 parking spaces, and the original parking lot located on the corner of Washington and Division has been expanded from 29 parking spaces to 49, for a total of 173 parking spaces. While this seems excessive, staff believes that the additional parking will be necessary when the next phase of the development takes place. It makes sense to develop the new parking lot all at once, rather than piecemeal, with more parking added to it down the road. In addition, the Fire Marshall can’t make a determination of the occupancy load without seeing interior designs of the building. The Planning Department requires the following amendments to be made to the site plan as a condition of approval: a) provide the correct zoning designation of the property, b) include the parcel numbers of the two parcels, c) show existing land use and zoning classification of abutting properties, d) include a grading plan, e) show soil erosion and sedimentation control measures, f) show the location and size of all existing and proposed utilities and easements, g) indicate location of snow storage, h) indicate on site plan that all lighting will be “100% cut-off” lighting, i) the dumpster shown on this plan was not on the original plan for

the PUD; please show detail of the required screening, j) indicate location of fire lanes, fire lock box, hydrants, standpipes, and security lighting, and k) since there are some residentially zoned properties on the southeast end of the parking lot, the fence to be erected in that area must be 6 feet high and constructed to screen the parking lot from the residential uses. In addition, the landscape plan is inadequate for the following reasons: a) plan needs to show location, spacing, size and descriptions for each plant type used, and b) it does not appear that there are enough canopy trees in the setback of either property, but because the landscaping elements aren't labeled, it's hard to make a determination. Staff is willing to work with the applicant to bring the landscaping into better compliance with the zoning ordinance. The Engineering Department has the following conditions of approval: a) need details on surface water; if there are no additional structures or connections to the City, there is no problem, and b) need to know if there are any proposed drives. The Department of Public Works had no outstanding issues with this request. The Fire Department has the following conditions of approval: a) project shall comply with NFPA 1141 fire protection in planned building groups, and b) please list or submit use of new addition information to Fire Marshall. Staff has received no other comments regarding this request and recommends approval, with the conditions listed in the staff report.

T. Harryman arrived at 4:09 p.m.

B. Larson stated that he was concerned about room for deceleration before the proposed driveway. L. Spataro stated that there would be room for a deceleration lane if a couple of on-street parking spaces were eliminated. He was concerned that there were no sidewalks shown on the site plan. He stated that, as the area became more developed, it was important to include sidewalks for pedestrian access and safety. B. Larson stated that there were no sidewalks on that east side of Division St. now. He asked what the City's policy was regarding sidewalk installation. B. Mazade stated that there wasn't a formal policy, but more recently the City Commission had tended to require sidewalks if it was a heavily traveled area. Because each situation was different, requests were considered on a case-by-case basis. T. Harryman stated that, given the nature of the area – the transition between single family homes and the waterfront – sidewalks should be required. G. Breen indicated on the site plan where the parking would be located and discussed the planned capacity of the hall, although plans for that were not finalized yet.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

Board members discussed the installation of a sidewalk on the east side of Division St. and concurred that it should be required on the site plan.

A motion that the minor amendment to the Final PUD for the Watermark Development at 920 Washington Avenue and 1321 Division Street be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, subject to the conditions that 1) all revisions to the site plan listed in #5 of the staff report are completed and approved by the Planning Department, 2) an amended landscape plan is submitted and approved by the Planning Department, 3) all conditions of the Fire Department listed in #7 of the staff report are met, and 4) a sidewalk is added on the property on the east side of Division St., was made by T. Harryman, supported by L. Spataro and unanimously approved.

Hearing; Case 2007-48: Request to amend the Final PUD for 100 Muskegon Mall for the properties located at 296, 290, 276, and 274 W. Clay Avenue, and 887 and 889 First Street, to allow a residential development with small office, commercial and retail as incidental uses, by Gary Post, Heritage Square Development. L. Anguilm presented the staff report. Zoning of the parcels is B-3,

Central Business, with a PUD Overlay. City Commission approved the Final PUD on February 22, 2005. At that time, uses within existing or newly developed buildings had not yet been determined, but the approval was for “mixed use, residential and commercial”. This amendment targets several vacant lots that contained parking for the former Muskegon Mall, located on Clay Avenue between First and Second Streets. The request is to allow for not only a residential development, but also small offices and some commercial/ retail uses as incidental to the residential. The first 3 units would begin construction as soon as possible, with further units built as they are sold. Parking will be accommodated entirely on the site. There are 22 units, which would require 33 parking spaces, and 34 spaces are provided. The units will be either two or three stories, and most will include garages. Those that don’t include garages will be using additional open parking spaces provided on the site. The residential units will be of the “brownstone” or “town/row” house style required in the DMDC Design Standards, adopted by City Commission as part of the Final PUD. The landscape plan is adequate for the site, with rear landscaping elements addressed by individual unit owners. The Planning Department requires that the following items be amended on the site plan as a condition of approval: a) provide parking space length dimension, b) provide the parcel numbers and street address of the properties, c) include the height of the proposed structures, d) show area reference points for adjacent properties (drives, structures within 100 feet), e) indicate existing zoning classification of abutting properties, f) include arrows showing direction of existing overland flow of storm water runoff, g) show snow storage locations, or indicate if snow will be removed from the site, h) show sidewalks on the Second Street side of the buildings, and i) indicate location of fire lanes and fire lock boxes. The Department of Public Works has no outstanding issues with this site plan. The Engineering Department has the following conditions: a) sidewalk width along Clay must be a minimum of five feet, b) all water and sewer services being proposed off Clay must either be done before the City’s project or at the same time; if at the same time, the City’s contractor will do the work and the owner will pay the cost. The Fire Department has the following conditions of approval: a) project shall comply with NFPA 1141, Fire Protection in Planned Building Groups, b) water supply fire flow calculations shall be conducted and submitted to the Fire Marshall, c) post indicating valve required for fire suppression, and d) key box shall be installed for Fire Department access. There were no other comments received regarding this request, and staff recommends approval, with the listed conditions.

B. Larson asked if there was any type of program manager overseeing the downtown developments in order to minimize duplication of services. L. Anguilm stated that City staff and the Planning Commission provided oversight on the developments. B. Mazade and G. Post stated that there were also monthly site condo association meetings. G. Post stated that he was aware of the upcoming utility work on Clay Avenue and he planned to get his utilities in before the City work started. L. Spataro asked if there would be sidewalks on First and Second Streets. G. Post stated that there would. B. Mazade asked if there was a time limit for completion of the PUD amendments. L. Anguilm stated that it was not addressed in the ordinance, but she believed that the five-year requirement would start with the new amendment. L. Spataro asked about the design of the units. G. Post stated that there would be four floor plans, and two were still in process. He would build additional units as the current ones were sold. L. Spataro wanted to clarify that if the Commission voted to approved this amendment, then they were voting for the concept of the live/work units, and the applicant would not need to come back before the Planning Commission for each unit built. L. Anguilm stated that was correct, and staff could approve the plans for the remaining units.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the minor amendment to the Final PUD for 100 Muskegon Mall for properties at 296, 290, 276, and 274 W. Clay Avenue and 887 and 889 First Street be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, subject to the conditions that 1) all revisions to the site plan listed in #8 of the staff report are completed and approved by the Planning Department, and 2) all conditions of the Fire Department stated in #11 of the staff report are met, was made by S. Warmington, supported by T. Harryman and unanimously approved.

Hearing: Case 2007-49: Request for a Special Land Use Permit, per Section 1301 (#7) of Article XIII, B-4, General Business Districts, of the Zoning Ordinance, to allow a church at 1260 W. Sherman Boulevard, by Mike Housekamp, Celebration Community Church. L. Anguilm presented the staff report. The building at 1260 W. Sherman Boulevard is zoned B-4, General Business District. It has been vacant since the former car dealership moved its business elsewhere. The applicant wishes to use the building for a church. Celebration Community Church has been holding services at West Michigan Christian High School, in Norton Shores. The properties to the north are zoned R-1, Single Family Residential, and the parcels to the east and west are zoned B-4. The City of Roosevelt Park is to the south. The site plan submitted with the application is adequate. The parking lot is paved, but would need to be striped. The grassy areas along Sherman will be landscaped to soften the appearance of the large parking area. No new outdoor lighting has been proposed, but if any new lights are requested, the site plan would need to be amended and additional lights would be required to be 100% cut-off style. The following are conditions required for approval of a church in a B-4 zone, and are met by the present building: a) the site shall be located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare, b) the principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet, and c) buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of buildings that exceeds the maximum height allowed. The Department of Public Works had the following condition of approval: Contact Dave Smith, City DPW at 724-6989, regarding placement and installation of proposed new fire hydrant. The Fire Department has the following conditions of approval: a) fire flow water supply calculations shall be conducted, b) fire hydrants and water supply requirements shall comply with IFC section 508 and appendix B, and c) post indicating valve shall be installed for suppression. The Engineering Department had the following comments: a) if there are no changes to the paved surface then no revisions to the drainage facilities are needed, and b) need to know if there will be changes to the drive approaches. Staff also received some comments in response to the required notification letters that were mailed. Colleen Sieradski, owner of Nauty's Bar at 1300 W. Sherman, objects to the request. She feels the property should stay commercial, and isn't sure how the change in use could affect her liquor license. Lewis Spyke of 1334 Beardsley called to say that he is opposed to this request. J. Ruthkowski of 1333 Beardsley indicated that she is opposed to the request due to the increased traffic it would create. Staff recommends approval with the conditions listed in the staff report.

L. Anguilm stated that she had asked the Police Chief to check with the Liquor Control Commission regarding any possible effects a nearby church might have on the liquor licenses of the neighboring bars. She provided that information to the board members, the applicants, and the bar owners who were present. If a church were established at the proposed location, it would prevent Nauty's Bar from any expansion on the east side of their building. L. Spataro requested that if any landscaping work were done, that a sidewalk be retained or replaced in front of the building. S. Warmington asked if the property would be removed from the tax rolls if the request was approved. L. Anguilm stated that it would. R. DeBoer stated that there was currently a sidewalk in front of the building, and

they would do some landscaping there as well. They planned to remodel and use the front third of the church at first. T. Harryman asked why they had chosen this building. R. DeBoer stated that they liked the visibility and the space available inside and for parking. B. Larson stated that he appreciated the intent of the church, but in addition to removing a large commercial property from the tax rolls, this could cause a hardship for the established neighboring businesses. R. DeBoer stated that the church would like to go on record as having no objection to expansion or change of the neighboring business. He stated that he understood their concerns and was willing to work with them. B. Turnquist asked how long the congregation had been meeting at West Michigan Christian school, and how many members there were. R. DeBoer stated that they had been there about 3 years and had about 80 members. B. Turnquist asked if the church planned to renovate the front area of the building. R. DeBoer stated that the glass would stay as it is. At first, that area would serve as the worship area, and later possibly be a reception/foyer area. B. Turnquist asked what the regular weekly schedule was. R. DeBoer stated they planned to have normal services but hoped to do more with youth, in addition to holding services on a weeknight.

M. Estlick owned a neighboring bar and was opposed to the request. She stated that being located that close to a church could be detrimental to her business, especially if she were to try and sell it. She had been a tax-paying business in the City for over 20 years and was concerned about retaining her property value. C. Sieradski of 2976 Sherwood Ct. also owned a neighboring bar and was opposed to the request for similar reasons. Her business is her livelihood and she stated that it would be unfair to allow a church to locate next to her, due to the additional restrictions it would place on her business. She had been at this location since 1981. B. Turnquist asked if there was room for her bar to expand on their lot. C. Sieradski stated that there was. Also, due to the configuration inside the bar and the space on the lot, if she did expand it would likely be to the east. L. Spataro asked if she would be allowed to expand to the front. L. Anguilm stated she wasn't sure, but that could affect the parking. L. Spataro asked if the bars would be allowed to rebuild if they were destroyed. L. Anguilm stated that she was not familiar with the LCC regulations on that. S. Warmington stated that this was a commercial corridor and there was currently a large new commercial investment going in down the street. He would like to see this area remain commercial. He also stated that there were two business owners who had been in business for over 20 years, and approval of this request could negatively affect them. Although the applicant had indicated that they had no opposition to a possible expansion of those businesses, LCC regulations would still have to be followed. R. DeBoer stated that neither bar had expanded during their 20 years in business, and although the church itself would not pay taxes, the members did.

A motion to close the public hearing was made by B. Larson, supported by T. Harryman and unanimously approved.

B. Larson was concerned about the effect on the neighboring businesses. B. Mazade stated that the City had issued several special use permits for churches in the past, but in this case his concern was that this was not the most appropriate use of that building and location. L. Spataro stated that the B-4 zoning was the heaviest commercial zone and the property in question was located in a relatively healthy business area. The neighboring businesses were allowed there by right in that zoning, and he was against approving a special use that would negatively affect those businesses when they were operating as allowed by City ordinance. B. Turnquist stated that he would like to know if the bars would be allowed to rebuild if destroyed. T. Harryman stated that the issue for him was context, and he didn't think that this was the right location for a church.

A motion that the request for Special Land Use Permit, per section 1301 (#7) of Article XIII of the Zoning Ordinance, to allow for a church in a B-4 zoning district at 1260 W. Sherman Boulevard, by

Mike Housekamp, Celebration Community Church, be denied based on lack of compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, was made by B. Larson, supported by S. Warmington and approved, with B. Turnquist voting nay.

Hearing; Case 2007-50: Staff-initiated request to amend Section 1301 #14, of Article XIII, B-4, General Business Districts, Section 1400 #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500 #9, of Article XV, I-2, General Industrial Districts to remove the reference to Section 2308 (1) (f). L. Anguilm presented the staff report. Staff recently discovered that these sections of the ordinance have references to what was formerly the sign ordinance section of the ordinance. The section being referred to, Section 2308 (1) (f), was a reference to real estate and "For Sale" signs that was replaced with Section 2334, Signs, #5, Exempt Signs, when the entire sign ordinance was updated and amended in August 1998. The change to the ordinance at that time actually made the sign ordinance less restrictive. Section 2308 currently is the "Outdoor Seating" section of the ordinance that was adopted by City Commission in March 2007, therefore the reference to that section needs to be removed from Sections 1301, 1400 and 1500.

A motion to close the public hearing was made by S. Warmington, supported by B. Larson and unanimously approved.

A motion that the amendments to Section 1301, #14 of Article XIII, B-4, General Business Districts, Section 1400, #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500, #9, of Article XV, I-2, General Industrial Districts, of the City of Muskegon Zoning Ordinance to remove the reference to Section 2308 (1) (f), be recommended to the City Commission for approval, was made by S. Warmington, supported by T. Harryman and unanimously approved.

## OLD BUSINESS

None

## OTHER

Former National City building on mall site – L. Anguilm stated that the new owner of this building would soon be coming before the Planning Commission for a PUD amendment. He had asked staff to see what Planning Commission members thought about him starting some of the inside electrical work before the site plan was approved. He would obtain the necessary building permits first. Board members discussed the matter. Since the work would be done inside the building, necessary permits would be obtained, and as long as they understood that it was at their own risk if the site plan were to require changes, they didn't have a problem with some inside work being started.

T. Michalski stated that he would be unavailable for the January meeting.

There being no further business, the meeting was adjourned at 5:30 p.m.

dml